

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 24, 2002, Work Session**

AGENDA ITEM NO.: **7**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Change of Council Elections from May to November**

RECOMMENDATION: None

SUMMARY: As requested, staff has provided information on the process for changing Council elections from May to November. Attached is a report prepared by the City Attorney. We will be prepared to discuss this with Council during your work session.

A note of interest: there is a concurrent workshop on this topic at the VML Annual Conference on Tuesday, October 22, 2002 at 1:30 p.m.

PRIOR ACTION(S): None

FISCAL IMPACT: Undetermined

CONTACT(S): Walter Erwin

ATTACHMENT(S): City Attorney's Memo dated August 5, 2002

REVIEWED BY: lkp

# MEMORANDUM

**To:** L. Kimball Payne City Manager  
**FROM:** Walter Erwin *W.C.E.* City Attorney  
**Date:** August 5, 2002  
**Re:** Change of Council Elections from May to November

As requested, I gathered information on changing Council elections from May to November. The information is summarized in this memo.

Section 24.2-222.1 of the State Code, a copy of which is attached, allows a city or town council to adopt an ordinance providing that council members shall be elected at the November general election for terms to commence January 1<sup>st</sup>. Elections can be held in even or odd years to coincide with federal or state elections. In making the switch to November elections, no term for a mayor or a council member may be shortened. Mayors and members of council who were elected at a May election and whose terms are set to expire on June 30<sup>th</sup> continue in office until their successors are elected and take office.

The process for switching from a May to a November election is as follows:

1. City Council holds at least one public hearing on the proposed change. Council could hold more than one public hearing and could meet with civic groups to discuss the proposed change, as well as send out mailings, etc. to maximize community input.
2. City Council adopts an ordinance changing the election date and extending the term of certain Council members.
3. The City submits the ordinance and supporting information to the United States Justice Department and requests preclearance.
4. The State Code does not allow a locality to switch to a November election during an election year. If the City wishes to switch for the 2004 Council

election, it will have to make sure the process is completed prior to the end of 2003.

If Council decides to change local elections to November, it will also have to decide whether to hold such elections in conjunction with federal elections (even years) or state elections (odd years). There are pros and cons for each. If a local election is combined with state elections, candidates could address state issues that affect localities. If combined with federal elections, the issues will be less related to each other. Combining Council elections with federal elections will require some incumbent Council members to extend their terms by six months. Combining Council elections with state elections will require some Council members to extend their terms by eighteen months.

There are also pros and cons associated with May/November elections. I have noted some of these as follows:

- If Council elections are switched to November, the City can save the costs associated with holding May elections.
- There is more voter turnout in November elections. However, local issues may take a backseat to federal and state issues.
- Under state law the filing deadline for a May election is sixty days before the election. For a November election a candidate must file by the first Tuesday after the first Monday in June. The earlier filing date for November elections could discourage some candidates from running. Also, the earlier filing date could lead to longer, more expensive campaigns.

I was able to identify five localities that have changed their elections to November – Altavista, Lexington, Norton, Poquoson and Richmond. Also, I was advised that Brookneal is starting the process to change to a November election. Charlottesville considered changing to a November election but decided not to do so.

I contacted the General Registrars in each of the localities that switched from May to November elections. The information provided by the registrars is summarized as follows:

- None of the localities experienced any difficulty making the switch from May to November elections.
- The process of changing to November elections took from six to twelve months, depending on how aggressively the locality decided to pursue the change.

- Each registrar supported the change and believes its localities will save money by switching to a November election.
- None of the localities experienced any difficulty getting the Justice Department to approve the change to November elections. In each case the locality used increased voter participation to justify the switch. The registrars prepared statistical reports showing that voter turnout is higher during November elections.

If you need any additional information or have any questions concerning this matter, please do not hesitate to contact me.

§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and towns.

*A. Notwithstanding the provisions of § 24.2-222, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.*

*B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city or of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members at the November general election date. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the city or town on the January 1 preceding the filing.*

*The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a copy of the notice at the door of the courthouse of the city or county within which the town is located. The question on the ballot shall be:*

*"Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of council from the May general election to the November general election?"*

*If members of the school board in the city or town are elected by the voters, the ballot question also shall state that the change in election date applies to the election of school board members.*

*The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the November general election date for terms to commence January 1.*

*C. No term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.*